

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

.....
In the Matter of a Proceeding under Article 5 of the
Family Court Act,

DOCKET NO.

Petitioner

AFFIDAVIT IN SUPPORT OF
MOTION TO VACATE
FOR LACK OF SERVICE

-against-

Respondent

.....
STATE OF NEW YORK)

)ss.:

COUNTY OF NEW YORK)

I, [specify name]: , [check if applicable]: an attorney duly
admitted to practice law in the State of New York, swear affirm the following to be true under
the penalties of perjury:

1. I am: , the Respondent in the above-entitled action. I make
this affidavit in support of the motion for an Order vacating the [check applicable box(es)]: Order
of Filiation Order of Child Support , entered by this Court on [specify date(s)]:
, for the support of the following child(ren)[specify]:

A copy of the Order of Filiation Order of Child Support is attached.

2. I did not appear in Court on the date the Order was issued because I had not been served
with a summons or petition and I had no notice of the proceedings.

3. I did not make this motion earlier because [specify reasons, if any]:

4. If I had appeared in court I would have presented the following valid defense to the
paternity petition [briefly summarize defense]:

5. No previous application has been made to any court or judge for the relief herein requested
(except [specify]):

WHEREFORE, I respectfully request that the Order of Filiation Order of Child
Support entered by this Court on [specify date]: be vacated and that this Court
grant such other and further relief as it may deem proper.

Dated _____, _____.

Signature of Applicant

Print or Type Name

Sworn to before me this
day of _____,

(Deputy) Clerk of the Court
Notary Public

Signature of Attorney, if any

Attorney's Name (print or type)

Attorney's Address and Telephone Number